

Serial No.: 10/663,477
Art Unit: 2165

REMARKS

Claims 1-20 and 23 are currently pending. Claims 1, 15, 19, 20, and 23 have been amended for clarification only. Claims 21 and 24 have been cancelled without prejudice. It is respectfully submitted that no new matter has been added.

Claim Objections

The Patent Office objected to claims 21 and 24 for failing to further limit the subject matter of a previous claim. Claims 21 and 24 have been cancelled. It is respectfully requested that the Patent Office remove its objection to claims 21 and 24.

Rejection of Claims 1-9, 12-21, 23, and 24 by Apfel in view of McIntyre

The Patent Office rejected claims 1-9, 12-21, 23, and 24 under 35 U.S.C. 103(a) as being unpatentable over Apfel, U.S. Patent No. 6,973,299, in view of McIntyre, U.S. Patent No. 7,111,317.

Claim 1 recites, in pertinent part, as follows

An electronic device comprising:... the camera control application is arranged to enable the user to control the electronic device using the user input device to capture an image via the digital camera and to present a user selectable option, on capturing an image, for entering the database application and using the captured image as an image field of an entry of the database.

Claim 20 recites, in pertinent part, as follows:

A computer readable medium encoded with a computer program ... the camera control application is arranged to enable the user to control the electronic device using the user input device to capture an image via the digital camera and to present a user selectable option, on capturing an image, for entering the database application and using the captured image as an image field of an entry of the database.

Claim 15 recites, in pertinent part, as follows:

A method comprising: providing a first application that captures an image and, and upon capturing the image, enables a user to enter a second application and assign the captured image to an image field of a first database entry; and providing the second application for accessing the first database entry to display the image.

Apfel discloses a mobile phone that stores contact information for multiple forms of mobile phone communication with the contacts (abstract). In Apfel, user information 250B may include a picture or graphic that the contact wishes to publish to represent himself or herself (column 5, lines 53-56). Apfel discloses that changed contact information may include a new email address, phone number, picture representation, etc., for contact 230A at PC 270A (column 7, lines 51-53). Apfel's mobile phone, in Figure 3, is shown to have a display 310 and directional button 364 but clearly does not have an image capturing portion, such as a lens. Although picture representations may be changed in contact information for a mobile phone, Apfel does not disclose or suggest providing a user selectable option, upon capturing an image, to enter an application, such as a database application.

McIntyre discloses "A system and method for obtaining photographic products and/or services and for the sharing of digital images without the need of a computer. In particular a cable set top box and cable communication network is used for communication with third parties, including image service providers" (abstract). McIntyre discloses capturing an image and associating text with it. The image may be printed out at a later time with the text appear on the image. McIntyre does not disclose or suggest providing a user selectable option, upon capturing an image, to enter an application, such as a database application.

Furthermore, Apfel is concerned with updating a contacts list from a mobile telephone, whereas McIntyre is concerned with providing photographic goods and services (e.g., column 22, lines 5-8). Whereas Apfel discloses an image associated with a contact in a database, McIntyre is directed to the printing of images which may also contain text. It is difficult to see the relevancy of a method and system for providing image goods and/or services to a customer, as disclosed by McIntyre, to a method and system for providing a unified contact list for a mobile phone user, as disclosed by Apfel and it is doubtful that one of ordinary skill in the art would look to McIntyre to modify Apfel.

Thus, claims 1-17 and 20 are allowable over Apfel in view of McIntyre.

Claim 18 recites, in pertinent part, as follows:

An electronic device comprising: a processor operable under the control of the computer program instructions to provide separately a database application and a messaging application, wherein the database application is arranged to enable a user to access personal data organized as a

Serial No.: 10/663,477
Art Unit: 2165

plurality of entries in a database, where each of the plurality of entries is associated with a different person and has one or more alphanumeric text fields and an image field and wherein **the messaging application is arranged to display a received message including an image and to present a user selectable option for using the image as an image field of an entry of the database.**

Claim 19 recites as follows:

A method comprising: **providing a messaging application that receives an image in an incoming message and presents a user selectable option for using the image as an image field of an entry of a database;** and providing a database application for accessing the first database entry to display the image, wherein the method is arranged to modify the database that organizes personal data as a plurality of entries where each of the plurality of entries is associated with a different person and has one or more alphanumeric text fields and an image field.

Claim 23 recites, in pertinent part, as follows:

A computer readable medium encoded with a computer program:... wherein the database application is arranged to enable a user to access personal data organized as a plurality of entries in a database, where each of the plurality of entries is associated with a different person and has one or more alphanumeric text fields and an image field and wherein **the messaging application is arranged to display a received message including an image and to present a user selectable option for using the image as an image field of an entry of the database.**

Apfel discloses a unified contact list for a mobile phone user (abstract). Apfel's mobile phone 300 is shown to have the capability of sending mail 334 (Figure 3). "User information 250B ... may include a picture or graphic that the contact publishes to represent himself or herself..." (Apfel, column 5, lines 53-56). Apfel discloses that a PC may update contact information including picture representation and provide the updated contact information to a mobile phone that includes that contact that has been updated (column 7, lines 45-61).

Apfel does not disclose a messaging application for providing or receiving an image in a message and presenting a user selectable option for using the image as an image field of an entry of the database.

Serial No.: 10/663,477
Art Unit: 2165

McIntyre discloses a system and method for obtaining photographic products and/or services and for sharing of digital images without the need of a computer (abstract). McIntyre discloses Figure 10 as a flow diagram of a typical purchase transaction in which a customer may select a service such as emailing images to one or more e-mail addresses provided by the user.

McIntyre does not disclose a messaging application for providing or receiving an image in a message and presenting a user selectable option for using the image as an image field of an entry of the database.

Thus, claims 18, 19, and 23 are allowable over Apfel in view of McIntyre.

Request for Identification of Teachings in Rejections where Claimed Subject Matter is Identified with Particularity and by Column and Line Number and Part Number

Furthermore, Applicant requests that the Patent Office point out by line number and column number and by part number where the limitation of "present a user selectable option" is found.

The Patent Office asserted that the limitation of a **"camera control application is arranged to enable the user to control the device using the user input device to capture an image via the digital camera and to present a user selectable option, on capturing an image, for entering the database application and using the captured image as an image field of an entry of the database"** is found in the paragraph spanning columns 12-13 in McIntyre. This paragraph of McIntyre is reproduced immediately below:

The configured firmware stored in the firmware memory 370 can include messages appropriate for various images, such as "Happy Birthday, John", or "Another Picture of the Smith family." These messages are provided by the customer in block 110 of FIG. 2, and downloaded to configure the APS film camera 350 in block 120 of FIG. 2. The message can be selected by the camera user after taking a picture, and can be then recorded as ASCII text data on the magnetic tracks of the APS film 380. When the APS film 380 is developed and printed, the magnetic tracks of the APS film 380 are read to recover this ASCII text message. The text message can then be printed on the back of the print if the print is made by optically printing the APS film 380. Alternatively, the text message

Serial No.: 10/663,477
Art Unit: 2165

can be printed on a front corner of the print if the print is made by scanning and digitally printing the APS film 380.

Applicant does not find the limitation of a user selectable option in this passage. The phrase “present a user selectable option” is recited in the context of **“camera control application is arranged to enable the user to control the device using the user input device to capture an image via the digital camera and to present a user selectable option, on capturing an image, for entering the database application and using the captured image as an image field of an entry of the database.”** Applicant requests that the Patent Office provide the column and line numbers and part numbers corresponding to a “camera control application” arranged “to present a user selectable option, on capturing an image” in the cited passage of McIntyre or elsewhere in Apfel or McIntyre.

Furthermore, in the cited passage of McIntyre (spanning columns 12 and 13), where is the database and where is the disclosure of using the captured image as an image field of an entry of the database?

McIntyre discloses a firmware memory 370 that can includes messages for various images (column 12, lines 55-58). McIntyre discloses “The message can be selected by the camera user after taking a picture, and can then be recorded as ASCII text data on the magnetic tracks of the APS film 380.” McIntyre goes on to disclose that “when the APS film 380 is developed and printed, the magnetic tracks of the APS film are read to recover this ASCII text message” and that the text may be printed on the back of the print or on a front corner of a print.

How does McIntyre, in the passage spanning from column 12, line 55, through column 13, line 3, correspond to the recited subject matter of a **“camera control application is arranged to enable the user to control the device using the user input device to capture an image via the digital camera and to present a user selectable option, on capturing an image, for entering the database application and using the captured image as an image field of an entry of the database,”** recited in claim 1?

Barring such disclosure, claim 1 is clearly allowable over Apfel in view of McIntyre.

Serial No.: 10/663,477
Art Unit: 2165

Rejection of Claims 10 and 11 by Apfel in view of Morita

The Patent Office rejected claims 10 and 11 under 35 U.S.C. 103(a) as being unpatentable over Apfel as applied to claims 9 and 1 above, respectively, and further in view of Morita, U.S. Patent No. 6,766,018.

The Patent Office asserted on page 4, lines 9-13, of the Office Action dated June 1, 2007, as follows:

Apfel does not explicitly teach a digital camera; and a camera control application arranged to enable the user to control the device using the user input device to capture an image via the digital camera and to present a user selectable option, on capturing an image, for entering the database application.

The Patent Office's admitted deficiency of Apfel would apply to claims 10 and 11 as these two claims indirectly or directly depend from claim 1, which was rejected by a combination of Apfel and McIntyre.

The Patent Office has cited column 1, lines 38-40, of Morita with respect to claim 10 and column 1, lines 35-37, of Morita with respect to claim 11. Morita, column 1, lines 33-40, discloses as follows:

Such a portable video telephone can also handle stored image information as information attached to the registered data in the phone book. At the time the phone book is searched for personal information, this capability can permit the user to conduct a search while viewing image information. When a call comes, this capability can display image information together with name information, helping the user understand immediately who the caller is.

Applicant requests that the Patent Office provide the column and line numbers and part numbers corresponding to a "camera control application" arranged "to present a user selectable option, on capturing an image" in the cited passage of Morita or elsewhere in Apfel or Morita.

Since McIntyre is not relied upon in rejecting claims 10 and 11, where in Morita is a "user selectable option" presented? In Morita, where is the database and where is the disclosure of using the captured image as an image field of an entry of the database?

Serial No.: 10/663,477
Art Unit: 2165

Morita appears to disclose replacing a displayed image by a currently decoded image that is acquired through a search result of a phone book and does not appear to disclose capturing an image or presenting a user selectable option, on capturing an image, for entering a database. Neither Apfel nor Morita appear to disclose or fairly suggest "wherein the camera control application is arranged to enable the user to control the device using the user input device to capture an image via the digital camera and to present a user selectable option, on capturing an image, for entering the database application and using the captured image as an image field of an entry of the database." Claims 10 and 11 are patentable because their base claim, 1, is patentable and Morita does not remedy the deficiency of Apfel.

Thus, claims 10 and 11 are allowable over Apfel in view of Morita.

The Patent Office is respectfully requested to reconsider and remove the rejections of the claims 1-21, 23, and 24 under 35 U.S.C. 103(a) based on Apfel in view of McIntyre or Morita, and to allow all of the pending claims 1-20 and 23 as now presented for examination. An early notification of the allowability of claims 1-20 and 23 is earnestly solicited.

Serial No.: 10/663,477
Art Unit: 2165



Respectfully submitted:

Walter J. Malinowski August 8, 2007

Walter J. Malinowski

Date

Reg. No.: 43423

Customer No.: 29683

HARRINGTON & SMITH, PC

4 Research Drive

Shelton, CT 06484-6212

Telephone: (203) 925-9400, extension 19

Facsimile: (203) 944-0245

email: wmalinowski@hspatent.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

August 8, 2007

Date

Debra Bongetti

Name of Person Making Deposit